IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

WP(C).No. 31531 of 2005(D)

AGAINST THE ORDER DATED 14/10/2005 IN EA 222 2002 IN OS.85/1999 of SUB COURT,NEYYATTINKARA

.....

PETITIONER:

SOMARAJ, S/O.CHELLAPPAN,
RESIDING AT PONNAVILA,
KACHERI WARD, VAZHUTHOOR DESOM,
NEYYATTINKARA.

BY ADV. SRI.R.T.PRADEEP
SRI.V.VIJULAL

RESPONDENT:

GALILEE INVESTMENT AND CREDIT LIMITED
COMPANY, T.C.7061, CHEMPAKA NAGAR,
HOUSE NO.5, BACKERY JUNCTION, THIRUVANANTHAPURAM
BRANCH OFFICE, STAR VIEW NEAR MUNICIPAL TOWN
NEYYATTINKARA,REP. BY ITS ASST.R.T.GRAILDAS,
R/AT. NEDIYA KALA VEEDU, THIRUPURAM.

BY ADV. SRI.A.MOHAMED MUSTAQUE FOR R1
SRI.M.K.SUMOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 31531 of 2005(D)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF SALE CERTIFICATE DTD.29.8.2002 WITH RESPECT TO THE PROPERTY OF PETITIONER.

EXT.P2: COPY OF RECEIPT DTD 13.8.2004 REGARDING PAYMENT OF RS.25,000/- WHICH IS ISSUED BY THE RESPONDENT TO PETITIONER.

EXT.P3: COPY OF ORDER DTD. 14.10.2005 IN E.A.222/2002 IN O.S.85/1999 OF THE COURT OF THE SUB-JUDGE, NEYYATTINKARA.

EXT.P4(a): COPY OF RECEIPT DTD 10.6.2006 ISSUED BY GALILEE INVESTMENT AND CREDIT LIMITED COMPANY TO THE PETITIONER.

EXT.P4(b): COPY OF RECEIPT DTD. 21.6.2006 ISSUED BY GALILEE INVESTMENT AND CREDIT LIMITED COMPANY TO THE PETITIONER.

.....

/ TRUE COPY/

PIUS C. KURIAKOSE,J.

- -

W.P.(C) No.31531 of 2005

- -

Dated: 20th July, 2007

JUDGMENT

Mr.R.T.Pradeep, learned counsel for the petitioner is unable to inform me whether the petitioner has complied with the conditions imposed by this court on 23.6.2006 in I.A.No.8660/06. The present Writ Petition filed by the judgment-debtor challenges Ext.P3 order under which the execution court has excluded the residential building which was situated in a portion of the property and directed delivery of the remainder portion of the property. I do not find any infirmity about Ext.P3 order warranting interference under Article 227 of the Constitution. However since I am told that the decree-holder institution belongs to a Church of which the petitioner is also a member, the order of stay will continue for another three more months from today. It is open to the petitioner to sort out the issue in the meanwhile with the decree-holder. At any rate, the stay order will not continue beyond three months.

The Writ Petition is disposed of as above. No costs.

srd **PIUS C.KURIAKOSE, JUDGE**